

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3930 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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PEPSICO INDIA HOLDINGS LTD

Versus

MOHMED SAYED

Appearance:

SINGHI & BUCH ASSO. for Petitioner
MR GM JOSHI for Respondent No. 1
SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 07/10/97

ORAL JUDGEMENT

Rule had been issued on this matter on 27/5/1997.
I have heard Mr. Buch for the petitioner and Mr.Joshi for respondent no.1. Respondent no.2 though served with Rule as well as notice as to interim relief, is not present. The petitioner has filed this petition to challenge the order dt. 16/5/1997, whereby the petitioner company is asked to give Bank Guarantee of Rs.35,000,00/(Rs.Thirty five lacs only). That order was passed to protect the workmen concerned. Mr.Buch appearing for the petitioner states that the petitioner company has no intention to sell its plant and machinery and further that in the event, any such decision is taken, the petitioner will inform the learned Payment of Wages Authority. In view of this statement of Mr. Buch,

Mr. Joshi states that the respondent no.1 and other employees do not insist on the Bank Guarantee. In view of this happy understanding between two parties, there is no need to retain this order on record and hence the same is quashed and set aside.

2. Mr. Buch has raised other objection with respect to the jurisdiction of the Payment of Wages Authority to entertain the particular application on behalf of concerned workmen. The petitioner will be at liberty to raise that objection as a preliminary objection before the learned Payment of Wages Authority and the authority will decide the same in accordance with law, though it will be for the learned Authority to take its own decision as to whether objection should be decided as a Preliminary Objection or alongwith other issues in the matter. Rule is made absolute to the aforesaid extent only, with no order as to costs.

3. Mr. Joshi points out that there was an interim stay on the matter before the Authority to proceed further. In view of the petition being disposed of, interim relief with respect to the stay of proceedings stands vacated. The authority will proceed further in the matter.

Date: 10/7/1997. (H.L.GOKHALE,J.)
(ccs)